



## INDIAN CHILD: COMPLIANCE CHECKLIST

### VERIFICATION OF INDIAN STATUS - CHAPTER 03

☐ Yes ☐ No Is the child of Indian Ancestry? If yes, proceed. 03.20(B)(1)

☐ Yes ☐ No Is the child a ward of any Tribal Court? 03.20(B)(2)

You must, at a minimum, include written documentation of the name, address and telephone number of persons providing information. Also, you must follow-up with a written request and confirming letter(s).

☐ Contact tribe or Bureau of Indian Affairs (BIA) (if tribe unknown) by phone and request written verification of Indian status. If more than one tribe, contact each. Send written inquiry to tribe(s)/BIA. 03.25

☐ If no response received within 15 days after written request for verification, re-contact by phone and send second request. 03.35(B)(2)

☐ If Canadian Indian but unknown band contact Division of Children and Family Services (DCFS) headquarters and follow-up with a written request for assistance. 03.25

☐ If none of the above categories applies, is the child considered to be an Indian by an off-reservation Indian/Alaskan native community organization? Contact organization, if applicable. 03.25

☐ Based upon investigation of status, the child is:

☐ Indian as defined in the federal ICWA. See 03.05(A). Proceed.

☐ Canadian Indian or unenrolled Indian. See 03.05(B) & (C). Proceed to Chapter 11.

☐ Non-Indian. See 03.35. Do not proceed.

### ACTIVITIES PRIOR TO COURT ACTION - CHAPTER 5 (DOES NOT APPLY TO CANADIAN INDIAN/UNENROLLED INDIAN CHILDREN)

☐ Notify and involve federally recognized Washington State tribe(s) if applicable. 05.05 Provide all case record materials, reports, family social histories, or other documents related to the alleged abused and/or neglect to the tribal designee or tribally designated organization. See 05.20 for important restrictions.

☐ Notify a Washington State tribe of Child Protective Services (CPS) referrals as quickly as possible. 05.05(A) & (B)(1)

☐ When possible, contact an Indian interpreter. 05.15

☐ Provide information to other tribes as provided in 05.10 and 5.20(B).

☐ Notify appropriate law enforcement agencies under circumstances outlined in 05.25

☐ Develop a remedial and rehabilitative service plan utilizing relatives, tribe and a qualified expert. 05.35 See also 05.40. and 05.45

### COURT RELATED ACTIVITIES CHAPTER 6 (DOES NOT APPLY TO CANADIAN/UNENROLLED INDIAN CHILDREN, SEE CHAPTER 11)

#### JURISDICTION

##### DOCUMENT ALL CONTACTS WITH TRIBES

☐ Yes ☐ No Is the child's residence/domicile within the boundaries of an Indian reservation?

☐ Yes ☐ No Is the child a ward of the tribal court?

☐ Contact tribe regarding domicile or residence and wardship. 06.12 Document inquiries. 06.14

☐ Determine if tribe has exclusive or concurrent jurisdiction. See 06.10 and 06.11.

☐ Yes ☐ No Will the tribe will take jurisdiction?

#### CONCURRENT JURISDICTION, SPECIAL REQUIREMENTS

☐ Notify child's tribe of intent to file a state court action and the date that the action will be filed. Notice must be provided at least five business days prior to filing (except in emergency cases). 06.13

CHILD'S NAME

CASE NUMBER

### VOLUNTARY CONSENT TO FOSTER CARE PLACEMENT

☐ Determine jurisdiction before filing. 06.21(A)

☐ Inform parent/Indian custodian of placement preference requirements, notification requirements, and validation requirements. 06.23(A)

☐ Encourage parent/Indian custodian to contact child's tribe or an Indian interpreter. Document this action. 06.23; 06.24

☐ Fully explain consent to place form to parent/custodian prior to obtaining signature. Forms must be either read by or to parent/custodian. 06.25(A) and (B)

☐ Parent/custodian must sign form acknowledging reading and understanding of form and wish to place. MUST ALSO SIGN CONSENT IN COURT IN ORDER FOR IT TO BE VALID. 06.25(C) & (D)

### VALIDATION PROCEDURES (FOSTER CARE)

☐ Immediately provide copies of signed forms to child's tribe, nonconsenting parent(s), and child's Indian custodian. Notify Washington tribes five (5) days prior to commencing process, if possible. 06.26(A) & (B)

☐ File petition for court validation in Juvenile Court. 06.26(C)

☐ Notify parents and tribe of time, date, and place of the validation hearing. File Declaration of Notification. 06.25(D)

SEE REMAINDER OF 6.25 FOR IMPORTANT INSTRUCTIONS

### CHANGING VOLUNTARY TO INVOLUNTARY PLACEMENT

☐ Notify parents/custodian and tribe at least 15 days before dependency is filed (except in emergency cases). 06.28.

### SHELTER CARE PLACEMENT

☐ Determine jurisdiction prior to placing child, if possible. 06.41

☐ File dependency petition and addendum in Juvenile Court (unless child returned home within 72 hours). 06.43

☐ Notify parents/custodian and tribe. 06.45

### SHELTER CARE BEYOND 72 HOURS

☐ Seek order transferring jurisdiction to child's tribe, if applicable. 06.46

☐ If possible, present testimony of qualified Indian expert regarding continued foster care placement. 06.46(B)(2) Expert must be present at 30 day hearing. 06.46(B)(4)

☐ Set fact-finding as soon as possible. 06.46(B)(5)

### DEPENDENCY FACT-FINDING/DISPOSITION

☐ File dependency petition and addendum in Juvenile Court. Follow 06.30 before filing. 06.51

☐ Notify parents/custodian. Notice must be received at least 15 days prior to fact-finding. 06.51(C)(1)

☐ Notify tribe(s). Notice must be received at least 15 days prior to fact-finding. If location or identity of tribe(s) are unknown, send notice to BIA at least 35 days prior to fact finding. 06.51(C)(2).

☐ Notify parents/Indian custodian and tribe of disposition hearing. 06.52

☐ Notify child's extended family if child to be placed out of home. 07.20

☐ Staff with tribal designee or LICWAC, if tribe unavailable. 06.53(A)

☐ Involve tribe or qualified Indian expert in preparation of ISP/social study. 06.53(B) & (C)

☐ Provide copies of reports/orders to parents/tribe.

### **DEPENDENCY REVIEW HEARINGS**

- ☐ Notify parent/custodian and tribe of review hearing at least 20 days prior to hearing. 06.54
- ☐ Follow 06.53 in preparing ISP reports. 06.54
- ☐ When dependency dismissed, notify parent/custodian tribe and any other party. 06.56

### **ALTERNATIVE RESIDENTIAL PLACEMENT**

- ☐ Determine tribal jurisdiction prior to filing ARP petition. 06.60(A) & (B)
- ☐ Involve qualified Indian expert approved by child's tribe or an Indian interpreter to assist in communicating with the family. 06.60(C)
- ☐ File ARP petition with Juvenile Court. 06.60(D)
- ☐ Notify tribe immediately. 06.60(F)
- ☐ Follow placement preferences unless child's tribe has waived or changed preference. 06.60(G)

### **GUARDIANSHIP/INVOLUNTARY TERMINATION**

- ☐ Follow 06.30 before filing. 06.70(A); 06.80(A)
- ☐ Staff case with tribal designee or LICWAC, if tribal designee unavailable. 06.70(B); 06.80(B)
- ☐ File petition and addendum in Juvenile Court. 06.70(C); 06.80(C)
- ☐ See section above regarding notice procedures for fact-finding. 06.70(D); 06.80(D)

### **VOLUNTARY RELINQUISHMENT/TERMINATION OR ADOPTION**

- ☐ Determine jurisdiction before filing. 06.91
- ☐ Inform birth parents/prospective adoptive parents of special requirements regarding relinquishment/adoption of Indian child. 06.93
- ☐ See above section regarding procedures for consent to foster care.
- ☐ The parent(s) of an Indian may may withdraw consent to relinquishment/termination or adoption at any time before entry of the adoption decree. See 06.98

### **LEGAL PROCEDURES (RELINQUISHMENT/VOLUNTARY TERMINATION OR ADOPTION)**

- ☐ File petition in superior/juvenile court. 06.97 - 06.99
- ☐ Notify the parent(s) (if rights not previously terminated) and the tribe. Notice must be provided at least 20 working days prior to the hearing on the petition. 06.97 - 06.99

### **PLACEMENT ACTIVITIES CHAPTER 07 (SEE CHAPTER 11 FOR PROCEDURES REGARDING CANADIAN INDIAN AND UNENROLLED INDIAN CHILDREN)**

- ☐ Placement in compliance with preferences. 07.05 - 07.15
- ☐ Notify extended family (see 07.25) of out of home placement. 07.20
- ☐ Review placement decision with child's tribe or LICWAC if tribe is unavailable. 07.30
- ☐ Document placement determination. 07.45
- ☐ Provide tribe a copy of service record documentation. 07.45
- ☐ Notify parent/custodian and tribes of any change in placement. 07.50
- ☐ Involve tribe or qualified expert in preparation of ISP/social study. 07.55
- ☐ Provide copies of ISP's and updates to child's tribe, as well as notices as required in 06.53 & 54 07.55
- ☐ Post-placement services. See 07.70 - 07.74

### **ADMINISTRATIVE REVIEW**

- ☐ Provide notice to the child's tribe and parent(s)/custodian (unless legal rights terminated). 07.60

### **INDIAN TRUST INCOME**

- ☐ Provide notice of trust fund withholding to BIA that serves child's tribe. 07.80(A)
- ☐ Notify BIA of child's return home. 07.80(B)
- ☐ Boarding school placement. See 07.80(C)

### **ADOPTION CHAPTER 08 (SEE CHAPTER 11 FOR PROCEDURES INVOLVING CANADIAN INDIANS AND UNENROLLED INDIAN CHILDREN)**

- ☐ Determine jurisdiction. 08.05
- ☐ Consult with child's tribe or LICWAC, if tribe is unavailable, regarding placement resources. 08.35
- ☐ All adoptive applicants complete DSHS 15-128 (X), Verification of American Indian Ancestry 08.15
- ☐ Foster parent adoptions. See 08.20.
- ☐ Placement in compliance with preferences. 08.25 - 08.40
- ☐ Notify extended family. 08.40 See 07.20 - 07.25.
- ☐ Advise prospective adoptive parents per 08.75.
- ☐ Document placement determination. 08.60
- ☐ Provide tribe a copy of service record documentation PRIOR to placement. 08.60
- ☐ Review placement within 30 days after placement and thereafter every 90 days until termination of placement or entry of final adoption decree. Notify tribe or LICWAC, if tribe unavailable. 08.65
- ☐ Post-placement services. See 08.80
- ☐ Invite tribal designee and, when possible, a qualified expert to participate in preparation of pre and post-placement reports. Provide copy of reports to tribe (obtain release or court order if needed). 08.85
- ☐ Involve tribe in deliberations regarding agency consent to adoption. 08.90
- ☐ Request court to send adoption information to BIA. 08.95
- ☐ Release birth record and adoption information to the tribe (obtain release or court order if needed). 08.100

### **PETITION TO VACATE ADOPTION DECREE**

- ☐ Consult with tribe and seek concurrence about consent. 08.130(A)(1)
- ☐ Notify tribe of all hearings and send copy of petition to tribe. 08.130(A)
- ☐ If child returned to parent provide services in cooperation with child's tribe. 08-130(B)

### **TERMINATION OF ADOPTION**

- ☐ Notify tribe and parents/custodian of termination within 5 days of entry of order. See 08.135.(A)
- ☐ Complete investigation within 90 days of termination. Involve tribe, or LICWAC, if tribe unavailable, and a qualified expert. Develop service plan. 08.135

### **LOCAL INDIAN CHILD WELFARE ADVISORY COMMITTEE (LICWAC CHAPTER 10)**

#### **STAFFING PROTOCOL, LICWAC**

- ☐ Case meets criteria for LICWAC involvement. 10.02 and 10.35
- ☐ Complete ISP, obtain supervisor's signature and present to liaison five days in advance of staffing (make at least 3 copies). 10.55(B) and (C)
- ☐ Review LICWAC recommendations. Implement recommendations or discuss any disagreements.

SEE 10.60 FOR IMPASSE PROCEDURES WHEN CASEWORKER AND LICWAC CANNOT MEDIATE DISAGREEMENT

### **CANADIAN AND UNENROLLED INDIAN CHILDREN CHAPTER 11**

- ☐ Identify child's Indian status per 03.20 and 03.25. (11.10 - 11.14). See above section regarding verification of Indian status.

#### **SERVICES FOR INDIAN FAMILIES AND COURT ACTIVITIES**

- ☐ Notify tribe/band of court involvement.
- ☐ Consult with tribe/band regarding caseplanning activities.
- ☐ Staff case with LICWAC if tribe is unavailable.
- ☐ Follow placement preferences.
- ☐ Notify extended family prior to placement.

### **SIGNATURES**

WORKER'S SIGNATURE	DATE
WORKER'S SIGNATURE	DATE
WORKER'S SIGNATURE	DATE

THIS FORM IS TO BE USED AS A GUIDELINE ONLY. REFER TO THE MANUAL FOR DETAILED PROCEDURES AND REQUIREMENTS.